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DRAFT REPORT OF THE COMMISSION

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/11. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992 and 1993/40 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication World Debt Tables 1991-1992 (vol. 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the enjoyment of economic social and cultural rights,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992 and 1993/12 of 26 February 1993,

1. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

2. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial debt owed by developing countries;

3. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development;

4. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. Requests the Working Group on the Right to Development to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights;

6. Requests the Secretary-General to submit, in a process of high-level consultations with heads of State or Government, heads of the multilateral financial institutions and specialized agencies, as well as intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-first session on the adequate measures to be implemented in order to find a durable solution to the debt crisis of developing countries so that they may fully enjoy all human rights;

7. Decides to continue to consider, at its fifty-first session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural

Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt,

economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

41st meeting
25 February 1994

[Adopted by a roll-call vote of 31 to 12, with 8 abstentions.]

1994/12. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that in the Charter of the United Nations the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged

individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if all individuals are to participate freely and responsibly in the development of the society in which they live,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, and its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty.

Recalling also General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for complete and in-depth study of extreme poverty based on the experience and thoughts of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized

that a more thorough knowledge of the situation of the poorest children and their families is needed, as well as decision 1993/8, entitled "UNICEF programmes for the urban poor", which underlines the importance and urgency of the problems that children living in urban areas meet with and the need to focus on innovative solutions recommended by the poorest themselves to cope with the situation,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all countries of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 the International Year of the Family,

Emphasizing furthermore the importance of the World Summit on Social Development, which will take place in Copenhagen in March 1995, for the discussion on poverty,

Mindful of the Secretary-General's reports on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2, and E/CN.4/Sub.2/1992/50),

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. Welcomes the fact that the Committee on the Rights of the Child, at its fourth session, gave attention to the situation of children living in extreme poverty and their families during its discussions on the economic exploitation of children and in its message on the occasion of the International Day for the Elimination of Poverty;

6. Encourages the Committee on the Rights of the Child to continue to take into account, in its discussions and work, the situation of children living in extreme poverty, with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child;

7. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty, including the very large number of women and children in this situation, endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

8. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/35 of 25 August 1993, taking note of the preliminary report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1993/16);

9. Approves the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994;

10. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

11. Also invites the Special Rapporteur to give attention within the framework of his mandate to the interrelationship between the family, combating extreme poverty, and observance of the human rights of the poorest;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including as appropriate, assistance from those with experience of the subject;

13. Welcomes the events organized by the United Nations to celebrate the International Day for the Elimination of Poverty on 17 October, which, in conformity with the wishes expressed by the Commission on Human Rights in its resolution 1993/13, focused on the poorest and gave due attention to events already organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty";

14. Invites States, United Nations bodies and other intergovernmental and non-governmental organizations, to give due attention, in celebrating the International Day for the Elimination of Poverty, to the relationship between extreme poverty and human rights and to the situation of the poorest, who must be the focus of events;

15. Decides to examine this question at its fifty-first session under agenda item 7.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/13. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recalling especially resolution 1993/21 of 4 March 1993, in which it decided to conclude its consideration of the right to own property at its fiftieth session,

Recognizing that there exist in the world many forms of property ownership,

Wishing to strengthen further within the framework of the United Nations the protection of the rights of women, in accordance with its resolution 1993/46 of 8 March 1993, by combating gender-based discrimination in the matter of the right to own property,

Taking note of the final report of the independent expert (E/CN.4/1994/19 and Add.1),

1. Welcomes the final report of the independent expert regarding the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the independent expert for his report, the continuation of his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Commends the efforts made by the independent expert to implement resolution 1993/46 by including in his report information on the failure in many parts of the world to protect the equal rights of women to own property;

4. Recommends that all relevant United Nations bodies take into consideration the recommendations of the independent expert;

5. Concludes its consideration of this matter.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/14. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/36 of 25 August 1993 on promoting the realization of the right to adequate housing,

Recalling its decision 1993/103 of 4 March 1993,

Welcoming the progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15),

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the human rights implications arising from the right to adequate housing;

2. Invites the Special Rapporteur to submit a second progress report to the Sub-Commission at its forty-sixth session;

3. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his mandate;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/14 of 25 February 1994 and decision 1993/103 of 4 March 1993, as well as resolutions 1993/36 of 25 August 1993 and 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the working paper (E/CN.4/Sub.2/1992/15) and the progress report on the right to adequate housing (E/CN.4/Sub.2/1993/15) submitted by the Special Rapporteur of the Sub-Commission, Mr. Rajindar Sachar,

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

2. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his study;

4. Urges the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1993/15 of 26 February 1993 and General Assembly resolution 48/119 of 20 December 1993,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1994/67),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Welcoming the fact that recent ratifications of or accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action, and taking into account in particular the

call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States

parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as

possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the first Optional Protocol, as well as one additional week of meetings during 1994, as an extended session;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-first session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

18. Decides to include in the provisional agenda of its fifty-first session the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote.]

1994/16. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Recalling its resolution 1993/23 of 5 March 1993,

Bearing in mind relevant decisions of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination on succession issues, in respect of international obligations in the field of human rights,

Taking note of the report of the Secretary-General (E/CN.4/1994/68) on action taken for the implementation of Commission on Human Rights resolution 1993/23,

Welcoming the recommendation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols,

Emphasizing once again the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State and noting in this connection the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms,

Taking note of progress made in the confirmation by some successor States of their obligations under international human rights treaties,

1. Reiterates its call to successor States which have not yet done so to confirm to appropriate depositories that they continue to be bound by obligations under international human rights treaties;

2. Emphasizes the special nature of the human rights treaties aimed at the protection of human rights and fundamental freedoms;

3. Requests the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations;

4. Requests the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence;

5. Requests the Secretary-General to report to the Commission at its fifty-first session in regard to action taken under this agenda item;

6. Decides to continue the consideration of this question at its fifty-first session under the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote.]

1994/17. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of the Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1993/89 of 10 March 1993, the Commission requested the Secretary-General to submit to it at its fiftieth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Decides to include in the provisional agenda for the fifty-first session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

41st meeting
25 February 1994
[Adopted by a roll-call vote of 39 to none, with 13 abstentions.]

1994/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 48/128 of 20 December 1993, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling the Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the World Conference invited all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion or belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief, including acts of violence, occur in many

parts of the world, as evidenced in the report of the Special Rapporteur, Mr. Abdelfattah Amor (E/CN.4/1994/79),

Reaffirming the dismay and condemnation expressed by the World Conference on Human Rights at the continued occurrence of gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights, including religious intolerance,

Conscious that incidents of discrimination and intolerance carried out by persons or groups on the grounds of religion or belief continue to occur in many parts of the world,

Noting with concern that, in many parts of the world, acts of violence motivated by religious extremism in all its forms threaten the enjoyment of human rights and fundamental freedoms,

Believing that further efforts are, therefore, required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the fiftieth session of the Commission;

3. Notes with concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts, including those motivated by religious extremism in all its forms, as well as practices of discrimination against women;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

6. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

7. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

9. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

10. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

11. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

12. Reiterates its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

13. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures;

14. Also encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance;

15. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

16. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights;

17. Encourages the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

18. Welcomes General Comment No. 22 (48) adopted by the Human Rights Committee on 20 July 1993 on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

19. Endorses the view of the Human Rights Committee that the right to freedom of thought, conscience and religion is far-reaching and profound;

20. Emphasizes that, as underlined by the Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

21. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and invites them to consider what further contribution they could make to its implementation and its dissemination;

22. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

23. Requests the Secretary-General to provide all necessary assistance and resources to the Special Rapporteur to enable him to carry out his mandate and to report to the Commission at its fifty-first session;

24. Also requests the Secretary-General to report to the Commission at its fifty-first session on measures taken to implement the present resolution;

25. Decides to continue its consideration of the question at its fifty-first session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

42nd meeting
25 February 1994
[Adopted without a vote.]

1994/19. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolutions 48/120 of 20 December 1993 and 1993/16 of 26 February 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 48/120 reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in that connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992 of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 and 12 to 16 October 1992, respectively,

Noting the meeting, in the framework of the World Conference on Human Rights, of persons chairing treaty bodies with those persons chairing each of the principal regional and other human rights bodies,

Noting with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly that

the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

Recalling that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of treaty bodies,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

1. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

2. Calls upon all States parties to fulfil without delay and in full their outstanding financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Welcomes the report of the Secretary-General on the implementation of the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508) and the Vienna Statement of the International Human Rights Treaty Bodies adopted at the meeting, held in the framework of the World Conference on Human Rights, of the chairpersons of treaty bodies with those persons chairing each of the principal regional and other human rights bodies;

4. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

5. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

6. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

7. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

8. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end:

(a) Reiterates its request that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance;

9. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

10. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

11. Recommends that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports;

12. Invites the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women;

13. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-first session and to the General Assembly at its forty-ninth session;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Also requests the Secretary-General to ensure that recent reports of States parties to treaty-monitoring bodies, the summary records of committee discussions pertaining to them, as well as concluding observations and final

comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

16. Further requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies;

17. Decides to consider the question on a priority basis at its fifty-first session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
25 February 1995
[Adopted without a vote.]